

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

DENNY DEJESUS,

Plaintiff,

v.

CORRECTIONS OFFICER R. MALLOY,

Defendant.

---

**ORDER**

6:16-CV-06470 EAW

Currently before the Court is plaintiff Denny DeJesus's ("Plaintiff") letter request seeking reimbursement for travel expenses to the Western District of New York filed on March 10, 2022. (Dkt. 146). In his request, Plaintiff seeks reimbursement in the approximate amount of \$1,000 to offset the costs of Plaintiff's flight from Tampa, Florida to Rochester, New York and stay in a hotel near the United States Courthouse in Rochester, New York for the purpose of participating in the jury trial in this matter scheduled to commence on Monday, March 21, 2022. (*Id.*). The Court's District Court Fund permits *pro bono* counsel to seek compensation for "[t]ransportation other than by privately-owned automobile[.]" which "may be claimed on an actual expenses basis[.]" W.D.N.Y. Guidelines Governing Reimbursement from the Dist. Ct. Fund of Expenses Incurred by Counsel IV(C). Further, "other expenses" may be approved in the discretion of the presiding judge. *Id.* at IV(G).

Determinations as to the disbursement of such funds "must be approved by the presiding judge prior to travel." *Id.* at IV(C). The same applies to "other expenses" that

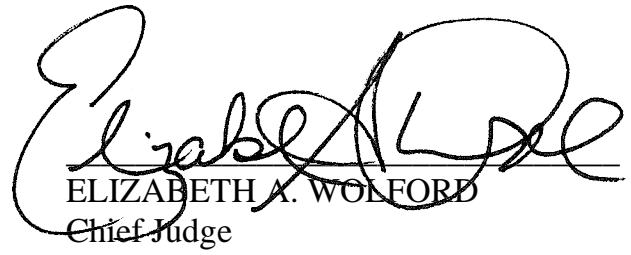
exceed \$500. *Id.* at IV(G). Accordingly, disbursement for such expenses from the District Court Fund is at the Court's discretion and must be approved in advance. *See id.*

In the instant matter, the Court has already ruled in Plaintiff's favor as to Defendant's liability. (Dkt. 119 at 26). Accordingly, for the reasons stated on the record at the appearance on March 11, 2022, including the unusual circumstance in which Plaintiff has prevailed as to liability and is proceeding to trial as to damages only, and where Plaintiff will be the only witness on his behalf in support of those damages, the Court exercises its discretion to permit Plaintiff to be compensated out of the District Court Fund for the actual expenses of his travel to and lodging in Rochester, New York, in an amount not to exceed \$1,000 and subject to reimbursement in the event Plaintiff recovers damages at trial or otherwise.

IT IS HEREBY ORDERED that Plaintiff's counsel may submit for reimbursement from the District Court Fund Plaintiff's actual travel expenses of airfare and lodging, supported by invoices and receipts, in an amount not to exceed \$1,000, for Plaintiff's travel to and lodging in Rochester, New York for the purpose of participating at trial;

FURTHER, that if Plaintiff recovers any monetary amount in this matter through settlement, jury verdict, or otherwise, any funds paid from the District Court Fund for his travel expenses shall be deducted from any such recovery and returned to the District Court Fund, up to the amount of any such recovery.

SO ORDERED.

A handwritten signature in black ink, appearing to read "Elizabeth A. Wolford", is written over a horizontal line. The signature is fluid and cursive.

ELIZABETH A. WOLFORD

Chief Judge

United States District Court

Dated: March 14, 2022  
Rochester, New York